

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JOUAN JABEZ JACKSON,**

**Plaintiff,**

**v.**

**WARNER MUSIC GROUP CORP., ATLANTIC RECORDING CORPORATION, ATLANTIC  
RECORDS, BRANDY NORWOOD, RODNEY JERKINS, DAVID FOSTER, DIANE WARREN,  
CRAIG KULLMAN AND ABC TELEVISION NETWORK, GORDAN CHAMBERS, PHIL  
GALDSTON**

**Defendants.**

**COMPLAINT FOR COPYRIGHT INFRINGEMENT, MENTAL ANGUISH**

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. Plaintiff seeks damages and injunctive relief.

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

3. This Court has personal jurisdiction over Defendants because Defendants conduct business and/or reside within this judicial district and have purposefully availed themselves of the privileges of conducting business in this judicial district.

4. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because a substantial part of the acts and omissions giving rise to the claims occurred in this judicial district, Defendants conduct business and/or reside within this judicial district, and Defendants are subject to personal jurisdiction in this judicial district.

#### PARTIES

5. Plaintiff Jouan Jabez Jackson is an individual who resides in New York, New York

6. Plaintiff is the legal owner of the copyrighted works at issue in this action.

7. Defendant Warner Music Group Corp. is a Delaware corporation with its principal place of business in New York, New York. Warner Music Group owns and controls Defendant Atlantic Recording Corporation.

8. Defendant Atlantic Recording Corporation, a subsidiary of Warner Music Group, is a Delaware corporation with its principal place of business in New York, New York. Atlantic Recording Corporation owns and controls Defendant Atlantic Records.

9. Defendant Atlantic Records is a record label owned by Atlantic Recording Corporation.

A. Defendant Craig Kallman is an individual residing in New York, New York. Kallman conducts business in this judicial district. Currently the chairman and CEO of Atlantic Records.

10. Defendant Brandy Norwood is an individual residing in Los Angeles, California. Norwood conducts business in this judicial district.

11. Defendant Rodney Jerkins is an individual residing in Los Angeles, California. Jerkins conducts business in this judicial district.

12. Defendant David Foster is an individual residing in New York, New York. Foster conducts business in this judicial district.

A. Defendant Phil Galdston is an individual residing in New York, New York. Galdston conducts business in this judicial district.

13. Defendant Gordon Anthony Chambers is an individual residing in New York, New York. Chambers conducts business in this judicial district.

13. Defendant Diane Warren is an individual residing in Los Angeles, California. Warren conducts business in this judicial district.

14. Defendant ABC Television Network is an American commercial broadcast television network owned by Defendant Disney Media Networks, a division of Walt Disney Television, which is a subsidiary of The Walt Disney Company.

15. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants named herein as Does 1 through 15, are unknown to Plaintiff at this time. Plaintiff will amend this Complaint to allege their true names and capacities when they are ascertained. Plaintiff is informed and believes, and on such information and belief alleges, that each of the fictitiously named Defendants is responsible in some manner for the occurrences alleged in this Complaint and that Plaintiff's injuries were proximately caused by such Defendants.

16. At all times mentioned herein, each Defendant was the agent, joint venture, and/or employee of each and every other defendant, and in doing the things alleged in this Complaint, each defendant was acting within the course and scope of such agency, joint venture, and/or employment and with the permission and consent of each of the other defendants.

## **FACTUAL ALLEGATIONS**

### **FIRST CLAIM FOR RELIEF (Copyright Infringement):**

17. Plaintiff is the sole author and exclusive owner of the original copyrighted musical compositions entitled "Assumptions Day," "Made A Champion," and other works (the "Works").

18. The Works are original, creative works and copyrightable subject matter under the laws of the United States.

19. Plaintiff registered the Works with the United States Copyright Office and received Certificates of Registration.

20. Defendants had access to the Works prior to the creation of the infringing works described herein.

21. Without authorization from Plaintiff, Defendants copied original elements of the Works in the creation of subsequent musical compositions and recordings created and/or owned by Defendants, including but not limited to songs on the album "Never Say Never" by Brandy Norwood and songs written and produced by Rodney Jerkins (the "Infringing Works").

22. The Infringing Works bear substantial similarities to the original expression in the Works, including but not limited to lyrics, themes, structure, and overall composition. These similarities exceed the threshold for actionable copyright infringement.

23. Defendants Warner Music Group Corp., Atlantic Recording Corporation, and Atlantic Records manufactured, distributed, and sold the album "Never Say Never" featuring the Infringing Works.

24. Defendants Brandy Norwood and Rodney Jerkins wrote, performed, and produced the Infringing Works on the album "Never Say Never."

25. The album "Never Say Never" won a Grammy Award for Best R&B Album in 2000.

26. In addition to songs on the album "Never Say Never," this complaint also concerns songs written and produced by Rodney Jerkins for other artists between 1997 and 2002. These songs include:

- "Daydreaming" by Tatyana Ali / Rodney Jerkins
- "I Learned From The Best" by Whitney Houston / Rodney Jerkins
- "Angel Of Mine" by Monica / Rodney Jerkins

- "He Wasn't Man Enough For Me" by Toni Braxton
- "Say My Name" by Destiny's Child / Rodney Jerkins

(Musicology Report by Dr. Robert Tomaro - with "Angel In Disguise" by Brandy)

- "If You Had My Love" by Jennifer Lopez / Rodney Jerkins
- "All Eyez On Me" by Monica / Rodney Jerkins
- "If I Told You That" by Whitney Houston / Rodney Jerkins

27. These songs exhibit substantial similarities and were all produced by Rodney Jerkins, indicating a pattern of behavior.

28. In addition to songs on the album "Never Say Never," this complaint also concerns the following works, all associated with Warner Music Group and Atlantic Records:

- "Talk About Our Love" from the album "Afrodisiac" (March 26, 2004)
- "Right Here (Departed)" from the album "Human" (2008)
- "Freedom Rings" (September 2019)
- "B7" album (2020) which includes songs like "Borderline" and "Saving All My Love"
- Queen's ABC Television Network Series (2022) songs "Hear Me" and "Tomorrow's Another Day"

29. All of these works associated with Warner Music Group and Atlantic Records were released without authorization and infringe upon the Plaintiff's copyrights.

**SECOND CLAIM FOR RELIEF (Mental Anguish):**

30. The Plaintiff continues to suffer irreparable harm from the ongoing exploitation of his works by Defendants.

31. The Plaintiff is entitled to injunctive relief prohibiting further exploitation of his copyrighted works by Defendants.

32. The Plaintiff seeks damages for copyright infringement, including:

- The maximum statutory damages for each infringed work.
- Actual damages and profits attributable to the infringement.
- Compensation for personal injuries suffered, including extended hospitalization and homelessness that resulted from the trauma and mental anguish of the ongoing alleged infringement.

33. Given the egregious mental anguish from hearing the infringing songs constantly played on the radio and everywhere Plaintiff went, as well as while displaced from family, homeless, and in and out of mental institutions for years, a 10x multiplier on damages is appropriate.

34. This is supported by medical records showing hospitalization for four months in a state mental institution "Eastern State Insane Asylum" shortly after the release of the "Never Say Never" album.

35. "The Boy Is Mine" (song) from Never Say Never (album) uses the question "Are you Insane" while willfully infringing the original work on the very next line twice in (2) short phrases: "You see", "I know".

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**Assumptions Day Verse 3**

Boys last program, choirs chit chat,

Congregational tithes

I've **GIVEN MY ALL**

And all is not good **ENOUGH**

So **GIVE IT UP**

I came along way for you

**Vs**

**The Boy Is Mine Chorus**

You need to **GIVE IT UP**

Had about **ENOUGH (ENOUGH)**

It's not hard to see (Oh)

The boy

**Assumptions Day 1st Bridge**

**ASSUMPTIONS DAY, ASSUMPTIONS DAY**

**ASSUMPTIONS DAY**

**SEE IT THROUGH**

**Vs**

**The Boy Is Mine Chorus**

**MAKE IT THROUGH THE DAY**

**Assumptions Day Chorus**

**KNOWING** assuming how

**KNOWING** assuming were what happen, what happened to J crew

**"I KNOW YOU SO SAY WE WERE TO HAVE MET SOMEWHERE BEFORE NOW"** *(Note: the power and impact of "knowing")*

**KNOWING** assuming, Assumptions Day

**Vs**

**[Spoken Prelude: Brandy & Monica]**

**"Excuse me, can I please talk to you for a minute?**

**Uh-huh, sure. You know, you look kinda familiar**

**Yeah, you do too."**

**But um, I just wanted to know, do you know somebody named...?**

**You, you know his name**

**Oh yeah, definitely. I know his name**

*(Note: Both lyrics reveal a thematic and structural similarity in how these lyrics open a conversation or interaction. In both cases, there's an immediate sense of recognition and familiarity between the individuals involved, creating a connection that is notable and aligns with the broader narrative of potential influence.*

*Note: Assumptions Day Intro is a open conversation)*

<b>Assumptions Day Verse 3</b>	<b>The Boy Is Mine Chorus</b>
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Boys last program, choirs chit chat, Congregational tithes	You need to <b>GIVE IT UP</b>
I've <b>GIVEN MY ALL</b>	Had about <b>ENOUGH (ENOUGH)</b>
And all is not good <b>ENOUGH</b>	It's not hard to see (Oh)
So <b>GIVE IT UP</b>	The boy
I came along way for you	

<u><b>Assumptions Day 1st Bridge</b></u>	<u><b>The Boy Is Mine Chorus</b></u>
<b>ASSUMPTIONS DAY, ASSUMPTIONS DAY ASSUMPTIONS DAY</b>	<b>MAKE IT THROUGH THE DAY</b>
<b>SEE IT THROUGH</b>	

<u><b>Assumptions Day Chorus</b></u>	<u><b>[Spoken Prelude: Brandy &amp; Monica]</b></u>
<b>KNOWING</b> assuming how	"Excuse me, can I please talk to you for a minute?"
KNOWING assuming were what happen, what happened to J crew	Uh-huh, sure. You <b>know</b> , you look kinda familiar

<p><b>"I KNOW</b> YOU SO SAY WE WERE TO HAVE MET SOMEWHERE BEFORE NOW"</p> <p><i>(Note: the power and impact of "knowing")</i></p>	<p>Yeah, you do too.</p>
<p><b>KNOWING</b> assuming, Assumptions Day</p>	<p>But um, I just wanted to <b>know</b></p>
	<p>Do you <b>know</b> somebody named...?</p>
	<p>Oh yeah, definitely. <b>I know</b> his name</p>

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36. Both lyrics reveal a thematic and structural similarity in how these lyrics open a conversation or interaction. In both cases, there's an immediate sense of recognition and familiarity between the individuals involved, creating a connection that is notable and aligns with the broader narrative of potential influence.

37. Assumptions Day Intro is a open conversation echoed by "The Boy is Mine" opening in a conversation while borrowing the lyrical short phrases and word usage within the similar thematics.

38. "Truthfully" (song) from Never Say Never (album) uses the phrase "She was insane" while willfully infringing the original work on the previous line's Verse 2 "I know", the use of homophone "No, no". And twistedly confessing "You shouldn't blame yourself for what she did".

39. B7 (album) Brandy's music video "Borderline" even depicts her in an asylum, potentially alluding to Plaintiff's experiences and further exacerbating his mental anguish.

38. **Unthinkable Mental Distress:** The relentless torment inflicted by the infringing songs, played ceaselessly on the radio and in public spaces, is unfathomable. Jouan Jackson found themselves trapped in an unending cycle of mental distress, unable to escape the haunting echoes of the infringing works. This distress was not confined to the airwaves; it permeated every facet of Jouan Jackson's life, robbing them of peace and well-being.

39. **A Life in Turmoil:** Jouan Jackson's life was marked by displacement from family, homelessness, and the haunting specter of mental institutions. They were in and out of these institutions for years, each admission representing a painful chapter in a life profoundly impacted by the relentless ordeal imposed by the Defendants.

40. **A Just Demand: 10x Multiplier:** Given the egregious mental anguish endured by Jouan Jackson, which manifested itself in prolonged hospitalization and a period of profound homelessness, justice demands a response commensurate with the severity of the suffering inflicted. It is therefore not unreasonable to seek a 10x multiplier on damages, a multiplier that reflects the deliberate and malicious nature of the Defendants' actions.

41. **Substantiated by Medical Records:** Jouan Jackson's claim for a 10x multiplier is not arbitrary; it is substantiated by medical records that vividly illustrate the depths of their suffering. Hospitalization for four months in a state mental institution, notably the "Eastern State Insane Asylum," shortly after the release of the "Never Say Never" album, stands as a stark testament to the psychological trauma endured.

42. **Cruel Irony in "The Boy Is Mine":** In a deeply cruel twist, the song "The Boy Is Mine" from the "Never Say Never" album incorporates the question "Are you insane" immediately followed by "You see" and "I know." These phrases are not isolated; they appear twice in quick succession. This calculated use of language, including the Bridge: "See it through" and Assumptions Day Chorus: "Knowing assuming , knowing assuming I know so say," further amplifies the intentional infliction of emotional distress, with a deliberate reference to Jouan Jackson's mental state.

43. **Twisted Confession in "Truthfully":** Similarly, the song "Truthfully" from the same album willfully uses the phrase "She was insane" directly following Verse 2's "I know." The utilization of the homophone "No, no" adds a layer of psychological torment. The lyrics further twist the emotional knife with the confession that "You shouldn't blame yourself for what she did," an unsettling reference to Jouan Jackson's own experiences.

#### Assumptions Day Verse 1

**SO SO** shy *come open to pray*

*Size me up to you (Note: a way to seek consolation)*

Watch the sunrise, will fall of dew, feel mornings

**I'LL BE THERE** setting moods this way

#### Assumptions Day Chorus

Knowing assuming x4 (*Note: focus on the acquisition or possession of information*)

**Vs**

#### Truthfully Verse 2

Let me know (*Note: focus on the acquisition or possession of information*)

My heart **WILL I BE THERE**

to console you (*Note: the act of consoling*)

Maybe the lies will never begin

**I WILL BE** your lover, your best friend **SO**

#### Assumptions Day Chorus

**KNOWING** assuming how

**KNOWING** assuming were what happen, what happened to J crew

**I KNOW** you **SO** say we were to have met

somewhere before now (*Note: the power and impact of "knowing"*)

**KNOWING** assuming, Assumptions Day

**Vs**

#### Truthfully Verse 2

Boy, I **KNOW** it's a crying shame (*Note: the power and impact of "knowing"*)

yourself for what she did."

**She was insane**

Baby **NO, NO** "You shouldn't blame

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<u><b>Assumptions Day Verse 1</b></u>	<u><b>Truthfully Verse 2</b></u>
SO SO shy <i>come open to pray</i>	Let me know ( <i>Note: focus on the acquisition or possession of information</i> )
<i>Size me up to you</i> ( <i>Note: a way to seek consolation</i> )	My heart <b>WILL I BE THERE</b> to console you ( <i>Note: the act of consoling</i> )
Watch the sunrise, will fall of dew, feel mornings	Maybe the lies will never begin
I'LL BE THERE setting moods this way	I WILL BE your lover, your best friend SO
<u><b>Assumptions Day Chorus</b></u>	
Knowing assuming x4 ( <i>Note: focus on the acquisition or possession of information</i> )	

<u><b>Assumptions Day Chorus</b></u>	<u><b>Truthfully Verse 2</b></u>
KNOWING assuming how	Boy, I <b>KNOW</b> it's a crying shame ( <i>Note: the power and impact of "knowing"</i> )
KNOWING assuming were what happen,	Baby <b>NO, NO</b> "You shouldn't blame yourself for what she did."

what happened to J crew	
I KNOW you SO say we were to have met somewhere before now ( <i>Note: the power and impact of "knowing"</i> )	<b>She was insane</b>
KNOWING assuming, Assumptions Day	

44. **"Borderline" Music Video:** In Brandy's music video "Borderline" from the "B7" album, a disturbing connection to Jouan Jackson's experiences becomes evident. The video features scenes set in an asylum, serving as a haunting reminder of the psychological torment he has endured. Within this visual depiction, Brandy's use of language further intensifies the torment, with phrases like "Feelin' crazy (Feelin')" and "Don't wanna be schizo this time," while mirroring and infringing upon Jouan Jackson's work.

#### **The Egregious and Deliberate Intent of Brandy Norwood:**

45. The pattern of willful and egregious infringement by Brandy Norwood, from her early involvement as a writer on "Never Say Never" in 1998 to her 2020 release "B7," cannot be dismissed as mere coincidence or innocent creativity. It is a saga that spans over two decades, marked by a consistent trail of plagiarism and infringement.

46. **Egregious Mental Anguish by Design:** The deliberate intention to inflict mental anguish is glaring. Brandy's lyrics intentionally taunt and provoke. They dig deep into the wellsprings of

anguish, stirring emotions to inflict psychological harm. It's not an innocent exploration of themes; it's a calculated assault on the Plaintiff's mental state.

47. **Borderline and Made A Champion Instances:** The instances from "Borderline" and "Made A Champion" are just the tip of the iceberg. They reveal a deliberate pattern of linguistic mimicry designed to torment the Plaintiff:

48. In "Made A Champion," the use of "who would have known" is mirrored in "Borderline" with "What would you do if you're alone?" The deliberate choice of the word "would" creates a hypothetical scenario in both instances, showing a clear intention to replicate themes and emotions.

50. In "Made A Champion" [Verse 2], the lyrics "I meant to say how I feel, I saw deep down inside of you, and inside of me" reflect an intimate exploration of emotions. "Borderline" [Verse 1] echoes this with "Feelin' crazy (Feelin'), Wanna be with me deep down (Deep down), You can feel it." This is not a mere coincidence; it's a deliberate attempt to mimic emotional depth.

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**Made A Champion [Verse 2] LINE 5 & 6 & 7**

I meant to say how I **FEEL**

I saw **DEEP DOWN** inside of **YOU**

And inside of **ME**

**Made A Champion [Chorus] LINE 7**

I **WANNA BE DOWN**

**Vs**

**Borderline VERSE 1 LINE 6 & 7**

**FEELING'** crazy (Feelin')

**WANNA BE** with **ME DEEP DOWN (DEEP DOWN)**

You can **FEEL** it

**Borderline [Chorus]**

Don't **WANNA BE** schizo this time

**Made A Champion VERSE 1 LINE 1 & 2 & 3**

**WHO WOULD** have known **YOU** have a darlin time

with **YOUR** popcorn love

**Who would** have known you'd have at more folks to

have me pen pal this sought out of heart

**WHO WOULD** have known you

**Vs**

**Borderline VERSE 1 LINE 1 & 2 & 3**

**WHAT WOULD YOU** do if **YOU'RE** alone? (Yeah)

**WOULD** you think about me?

I know there's something wrong with you

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<u><b>Made A Champion [Verse 2] LINE 5 &amp; 6 &amp; 7</b></u>	<u><b>Borderline VERSE 1 LINE 6 &amp; 7</b></u>
I meant to say how I <b>FEEL</b>	<b>FEELING'</b> crazy (Feelin')
I saw <b>DEEP DOWN</b> inside of <b>YOU</b>	<b>WANNA BE</b> with <b>ME DEEP DOWN (DEEP DOWN)</b>
And inside of <b>ME</b>	<b>You</b> can <b>FEEL</b> it
<u><b>Made A Champion [Chorus] LINE 7</b></u>	<u><b>Borderline [Chorus]</b></u>
I <b>WANNA BE DOWN</b>	Don't <b>WANNA BE</b> schizo this time

<u><b>Made A Champion VERSE 1 LINE 1 &amp; 2 &amp; 3</b></u>	<u><b>Borderline VERSE 1 LINE 1 &amp; 2 &amp; 3</b></u>
<b>WHO WOULD</b> have known <b>YOU</b> have a darlin time	<b>WHAT WOULD YOU</b> do if <b>YOU'RE</b> alone? (Yeah)
with <b>YOUR</b> popcorn love	<b>WOULD</b> you think about me?
<b>Who would</b> have known you'd have at more folks to	I know there's something wrong with you
have me pen pal this sought out of heart	
<b>WHO WOULD</b> have known you	

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51. The evidence, as exemplified by these instances, points squarely at Brandy Norwood's willful and egregious infringement. It's a journey that begins with creative mimicry and ends in the intentional infliction of emotional suffering.



**Cruel Exploitation of Mental Health Slang:**

52. The cruel irony embedded within the Defendants' works becomes acutely apparent as we delve into their choice of language. In the song "The Boy Is Mine" from the "Never Say Never" album, the question "Are you insane" is posed, invoking mental health terminology. This phrase, while seemingly innocuous, takes on a malevolent undertone in the context of Jouan Jackson's real-life experiences, having spent over six months in a state mental institution shortly after the release of the very album containing this song.

53. The irony continues in "Truthfully," where Verse 2 confronts the line "She was insane," again invoking themes of mental health. This choice of language serves as a disquieting reference to Jouan Jackson's ordeal.

54. Further intensifying the emotional turmoil is the song "Borderline," where lyrics such as "I'm on the borderline" and "Feeling CRAZY" perpetuate the use of mental health slang. The inclusion of these phrases, especially in light of Jouan Jackson's history, adds to the weight of the Defendants' deliberate exploitation.

55. The most painful mention emerges in the line "Don't wanna be schizo this time," from "Borderline." This stark reference to Jouan Jackson's hospitalization in 1998 becomes a haunting testament to the Defendants' calculated infliction of emotional distress. It is an egregious and willful act that further exacerbates the anguish caused by their infringement.

56. This calculated use of language, juxtaposed with the continued infringement of Jouan Jackson's work, is a head-hunting act, designed to torment the Plaintiff with memories of their

past suffering. It is a painful reminder of the Plaintiff's real-life experiences and a call for justice in the face of this deeply distressing exploitation.

**Continuing the Saga: "Saving All Our Love" from "B7":**

57. The twisted saga of willful and egregious infringement by Brandy Norwood extends even into her 2020 release, "B7." "Saving All Our Love," a song featured in this album, presents yet another striking case of intentional borrowing and a relentless pattern that spans decades.

58. Notable Similarities: In "Saving All Our Love," Brandy's lyrics exhibit thematic and linguistic similarities to Jouan Jackson's work:

59. The lyrics "Ahh, can we let me live? Can we let me live? LET ME LIVE, LET ME LIVE" from "Saving All Our Love" emphasize the desire for liberation or acceptance. This repetition is a stark echo of the phrase "LET ME LIVE, LET ME LIVE" in Jouan Jackson's "Cusp Aries♈ Pisces♊."

60. Both songs convey a state of altered consciousness or seeking solace. Brandy's line "I'm medicated" in "Saving All Our Love" mirrors the theme of seeking solace, which is a recurring motif in Jouan Jackson's "Cusp Aries♈ Pisces♊."

61. The use of water imagery, symbolizing emotion, depth, and flow, is apparent in both songs. Brandy invokes water with "Hop in the Mississippi river" in "Saving All Our Love," paralleling Jouan Jackson's "In your water."

62. Intent to Inflict Mental Anguish: This ongoing pattern of infringement is not just an artistic coincidence but a calculated assault on Jouan Jackson's mental and emotional well-being. It's a journey that begins with creative mimicry and ends in the intentional infliction of emotional suffering.

### **The Plea for a 10x Multiplier:**

#### **Damages and Enhanced Damages**

1. Precedent for 10x Damages: *Bly v. Banbury Books* (1979) serves as a compelling precedent for the appropriateness of maximum damages in this case. In *Bly*, the court awarded 10x damages after finding the defendants intentionally copied children's books and continued selling infringing copies even after being notified of the infringement. The court determined the blatant, willful, and ongoing nature of the infringement justified the maximum statutory damages.
2. Facts Align with Willful Infringement Standards: The facts of this case align with the willful infringement standards set in *Bly*. Here, the plaintiff alleges intentional and unauthorized copying of original song lyrics and themes. Despite the plaintiff's original lawsuit in 2000-2002 putting the defendants on notice, the alleged infringement persisted both during and after the original proceedings.
3. Continued Infringement Allegations: Specifically, the plaintiff alleges Rodney Jerkins and continued releasing songs and albums containing infringing elements throughout the original 2000-2002 timeline. Examples include During Proceedings (2000 - 2002):

4. Exhibit B: Comparison table and statement / conclusion for: That's The Way by Defendant Rodney Jerkins.
5. During Original Proceedings (2000 - 2002): Defendant RODNEY JERKINS credited as the songwriter & producer of the song "That's the Way" willfully infringing Jackson's copyrighted collection 'Photo Finish' which contains Plaintiff's song 'Assumptions Day'. [see attached: Exhibit's List 'During Proceedings (2000 - 2002): Exhibit B: Comparison table and statement']

<b>Assumptions Day by Jouan Jackson Released date: March 21, 1997 (Lyrics/Themes)</b>	<b>That's the Way by Rodney Jerkins Released date: January 23, 2001 (Lyrics/Themes)</b>	<b>Comparative Significance</b>	<b>Evidence of Intentionality/Copyright Infringement</b>
"I know you so say we were to have met somewhere before now"	"I know you see me watching. Although you're tryna play it like you don't. When I know you do"	Both songs touch upon the theme of observation and recognition.	The thematic overlap of "knowing" or being aware of a presence or connection is evident in both tracks.
"Is there <b>anything</b> I <b>can</b> do. <b>Anything</b> to	"Baby, I can give you anything (Give you	Both songs emphasize the	The repetition of "I can" coupled with the

justify you"	all my love)"	ability or willingness to offer "anything"	specific word "anything" in both tracks indicates a clear thematic and phrasal similarity. This is particularly significant given the double use of "anything" in "Assumptions Day".
"Is there <b>anything</b> I <b>can do. Anything</b> to justify <b>you</b> " and "I've <b>given my all</b> . And <b>all</b> is not good enough. So <b>give it up</b> "	"Baby, I <b>can give you anything (Give you all my love)</b> "	Both songs center on the theme of offering or giving.	The word "give" is noticeably present in both tracks. Further, the phrase "give my all" in "Assumptions Day" is almost identically mirrored in "That's The Way" which suggests a clear pattern of borrowing.

6. The Plaintiff asserts Given this repeated pattern across songs involving Rodney Jerkins, it's crucial to highlight and emphasize these parallels, even if the words or phrases are considered common. The context, frequency, and combination of these elements can indeed make a substantial case for potential infringement.
7. The Plaintiff emphasizes, the repetition of "I can" in both tracks indicates a clear thematic and phrasal similarity. Furthermore, the phrase "give my all" in "Assumptions Day" and its mirrored sentiment in "That's The Way" suggests a pattern of borrowing or influence between the two songs.
8. The Plaintiff further emphasizes, the table highlights the notable similarities between the two songs and emphasizes the potential word borrowing, especially with the repeated use of "give" and the closely mirrored phrase "give my all."
9. Even though Jennifer Lopez is not a defendant, and the song 'That's the Way' is not the primary focus of this litigation, it does significantly contribute to strengthening the plaintiff's claim.
10. The plaintiff asserts that this strengthens his claim of willful ongoing intentionality and disregard for the ongoing federal proceedings. It underscores the pattern displayed herein by DEFENDANT RODNEY JERKINS, as detailed in the attached Exhibit List: 'During the Proceedings 2000-2002 Exhibit B' for an in-depth comparative analysis.
11. Uniqueness and Originality: While shorter phrases, especially those that are common or generic, might be overlooked, unique and original expressions are given greater weight.

12. Access: We present demonstrable evidence to establish that the alleged infringer had access to the original work. In the plaintiff's case, we've successfully established potential access via the connections with Rodney Jerkins and Teddy Riley.
13. Substantial Similarity: This considers whether an ordinary observer can recognize that the alleged copying has taken from the original work.
14. Given the meticulous details provided, a clear pattern of similarities emerges. The potential for word borrowing and thematic overlaps becomes self-evident. Specific lines and themes have been identified, which appear consistently in both the plaintiff's original work and subsequent songs associated with Rodney Jerkins.
15. It is essential to underscore that, within the context of a legal case, even if the borrowed phrases are concise, when observed as part of a larger pattern of borrowing across multiple songs, they inherently gain significance.
16. The Plaintiff's observation regarding word borrowing is valid. In the realm of music and lyrics, borrowing even simple phrases, especially when it becomes a pattern, can be grounds for copyright concerns.
17. I, as the pro se plaintiff in this case, assert and argue that the observation regarding word borrowing is well-founded. In the context of music and lyrics, the consistent use of even simple phrases, especially when it establishes a clear pattern, can serve as legitimate grounds for raising copyright concerns.

<b>"Assumptions Day"</b> <b>Lyrics/Themes</b>	<b>"That's The Way"</b> <b>Lyrics/Themes</b>	<b>Comparative</b> <b>Significance</b>	<b>Analysis/Comments</b>
<p><b>"So give it up"</b></p> <p><b>"So give it up, I come along WAY for you"</b></p>	<p><b>"So come give it up, yeah"</b></p>	<p>Direct entreaty or request.</p>	<p>The specific phrase "give it up" in both songs is a significant point of comparison. This suggests potential borrowing or influence.</p> <p><b>"So _ give it up"</b></p>
<p><u><b>"I know you"</b></u> so say we were to have met somewhere before now"</p>	<p><b>"I know you</b> see me watching. Although you're tryna play it like you don't. When <u><b>I know</b></u> you do"</p>	<p>Both songs express a theme of recognition and understanding about another person's feelings or actions.</p>	<p>The term "<b>know</b>" and its usage to convey understanding or recognition are central in both songs. Notably the opening phrase "<b>I know you</b>" and in the closing statement "<b>I know</b>"</p>



18. The phrase "I know you" indicates an intimate understanding or recognition, hinting at a profound connection beyond just the present moment. The latter part, "say we were to have met somewhere before now," implies a sense of déjà vu or predestined connection between the two individuals.
19. Furthermore, the specific phrase "give it up" is notable, and its presence in both songs points to potential borrowing.
20. Again I, as the pro se plaintiff in this case, assert and argue that the observation regarding word borrowing is well-founded and Even though Jennifer Lopez is not a defendant in this case, and the song 'That's the Way' is not the primary focus of this litigation, it does significantly contribute to strengthening the plaintiff's claim which underscores the merit regarding willful ongoing intentionality and disregard for the ongoing federal proceedings.
21. Exhibit C: Comparison table and statement / conclusion for: What About Us? by Defendant Rodney Jerkins.
22. Exhibit D: Comparison table and statement / conclusion for: I Thought by Defendant Rodney Jerkins
23. Exhibit E: Comparison table and statement / conclusion for: I Wanna Fall In Love by Defendant Rodney Jerkins

<b>"Made A Champion"</b> <b>by Jouan Jackson</b> <b>released on March</b> <b>21, 1997</b>	<b>"I Wanna Fall In</b> <b>Love" by Brandy</b> <b>released on</b> <b>November 20, 2001</b>	<b>Comparative</b> <b>Significance</b>	<b>Evidence of</b> <b>Intentionality/Copyright</b> <b>Infringement</b>
<p>They say there's one SO many WAYS young and restless days of our LIFE And to our LIFE"</p>	<p>"I am missing something in my life"</p>	<p>Both songs express a sense of longing and introspection.</p>	<p>The repetition of "LIFE" in "Made A Champion" is mirrored by "my life" in "I Wanna Fall In Love", reflecting a thematic resonance.</p>
<p>"I SAW deep down inside of you And inside of me"</p>	<p>"And I'm trying to find what is already deep inside"</p>	<p>Both lyrics convey a deep internal search and self-reflection.</p>	<p>The lines indicate a shared theme of introspection, with both songs emphasizing the idea of looking inward.</p>

<b>I've been going about you for a while now"</b>	<b>I've been going about you for a while now"</b>	<b>Both songs reflect a prolonged period of contemplation and reflection</b>	The nearly identical phrasing of "for a while now" in both songs suggests more than mere coincidence.
But I'm in love, But when in love, But when we've done the strangest of things"	"I wanna fall in love" (repeated in chorus)	<b>Both songs focus on the complexities and emotions associated with love.</b>	The emphasis on love in both songs, whether it's the desire to fall in love or the acknowledgment of being in love, shows a thematic parallel.

24. The Plaintiff asserts both lines prominently use the term "love." Jouan Jackson's line uses variations of the phrase "in love," and Jerkin's line repeats the sentiment of wanting to fall in love.

25. The comparative analysis emphasizes that phrasing such as "for a while now" appears in both tracks, suggesting a period of contemplation and reflection. The

recurrent themes of expressing feelings and searching internally indicate potential influence or borrowing.

<b>"Made A Champion"</b> <b>by Jouan Jackson</b>	<b>"I Wanna Fall In Love"</b> <b>by Brandy Norwood</b>	<b>Comparative</b> <b>Significance</b>	<b>Evidence of</b> <b>Intentionality/</b> <b>Copyright</b> <b>Infringement</b>
<p>"I SAW <b>deep down</b>  <b>inside</b> of you And  <b>inside</b> of me"  <b>(in verse 2)</b></p>	<p>"And I'm trying to find  what is already <b>deep</b>  <b>inside</b>"  <b>(in verse 1)</b></p>	<p>Both lines express a  desire to understand  oneself and the other  person better.</p>	<p>These lines indicate a  thematic similarity  between the two  songs.</p>
<p>"they say there's one  SO many WAYS  young and restless  days of <b>our LIFE</b> And  to <b>our LIFE</b>"  <b>(in verse 2)</b></p>	<p>"I am missing  something in <b>my life</b>"  <b>(in verse 1)</b></p>	<p>Both lines reflect a  sense of longing and  self-reflection.</p>	<p>These lines indicate a  thematic similarity  between the two  songs.</p>

"I'VE BEEN going about you <b>a while now</b> "	<b>Now for a while</b> , I've thought the love <b>inside me</b> needs"	Both lines express the duration or time span of feelings or experiences.	The phrasing " <b>for a while now</b> " and " <b>a while now</b> " are almost identical, suggesting a specific similarity.
"I wanna" (repeated in chorus)	"I wanna fall in love" (repeated in chorus)	Both choruses contain the repeated phrase " <b>I wanna</b> ", reinforcing the theme of desire.	The repetition of " <b>I wanna</b> " in both songs shows another

26. The Plaintiff's in-depth analysis, that there are striking similarities between "**I Wanna Fall In Love**" by Brandy Norwood and "**Made A Champion**" by Jouan Jackson. The parallels span across thematic elements, specific phrasing, and overall lyrical intent.

27. The Plaintiff's analysis finds both songs traverse the themes of love, self-reflection, and a deep-seated desire to understand oneself and a significant

other. The recurring use of phrases like "I wanna" and similar constructs like "for a while now" further accentuates the resemblances.

28. The noted overlaps between "**I Wanna Fall In Love**" by Brandy Norwood/Rodney Jerkins and "**Made A Champion**" by Jouan Jackson aren't mere coincidences. Given the depth and specificity of the similarities, there's a compelling case to suggest that the former borrowed heavily and was influenced by Jouan Jackson's work.
29. When taking into account the historical context of song submissions and production timelines, the case for influence becomes even stronger. In the expansive tapestry of Brandy's career spanning a quarter-century, the song "I Wanna Fall In Love" emerges not just as an individual musical composition, but as a pivotal piece in a broader and more intricate mosaic infringement in contrast to Jouan Jackson's work.
30. Its release during the ongoing legal proceedings, as highlighted in the exhaustive list of exhibits, isn't an isolated incident but appears as part of a recurring pattern, suggesting a possible systematic approach to drawing from external sources.
31. Considering the context provided, the timing of the song's release amidst the legal battle becomes even more significant. The decision to move forward with "I Wanna Fall In Love" during active litigation seems to not merely be about asserting artistic freedom, but can be perceived as a bold and potentially defiant statement.

32. Such a move, when viewed against the backdrop of multiple exhibits and alleged infringements, raises profound questions about the respect (or lack thereof) for original artistic expressions and the sanctity of copyright.

33. The sheer volume of exhibits, especially during the period of 1997 to 2002, paints a vivid picture. When "I Wanna Fall In Love" is juxtaposed against this landscape, it doesn't stand alone but becomes a part of a larger narrative – a narrative that speaks volumes about the blurred lines between inspiration, influence, and potential infringement.

34. Furthermore, the continuation of alleged infringements even after the original proceedings, as evident in the post-2004 exhibits, suggests a potential pattern, one that might be indicative of either willful disregard or an embedded culture of drawing heavily from external sources without due acknowledgment.

35. In summation, while the musical legacy of Brandy remains influential and celebrated, the specific circumstances surrounding **"I Wanna Fall In Love"** and its release during active court proceedings offer more than just a glimpse into a contentious realm of the Plea for a 10x Multiplier: Damages and Enhanced Damages

36. Exhibit F: Comparison table and statement / conclusion for: All Eyez On Me by Defendant Rodney Jerkins.

<b>"Assumptions Day"</b> <b>by Jouan Jackson</b>	<b>"All Eyez on Me"</b> <b>by Monica</b>	<b>Comparative Significance</b>	<b>Evidence of Intentionality/ Copyright</b>
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<p>released on</p> <p>March 21, 1997</p>	<p>released on</p> <p>March 21, 1997</p>		<p>Infringement</p>
<p><b>Is</b> the monkey on your back hooligan punchinello oh hooligan punchinello, <b>know now</b> <b>Is</b> there anything <b>I can</b> <u><b>do</b></u> <b>(Verse 2)</b></p>	<p>"Don't you <b>know now</b> <b>is</b> the perfect time <b>I can</b> make it right, makin' you all mine"</p>	<p>Jerkins' use of "<b>know now, is</b>" mirrors the context and uniqueness in Jackson's song, it could be significant.</p>	<p>Repeated use of "<b>know now</b>" in works by Jerkins after Jackson's March 1997 demo submission could suggest a pattern of infringement.</p>
<p>"Your sudden smile, the posse of <b>your eyes</b>" <b>(Verse 2)</b></p>	<p><b>"I can</b> feel <b>your eyes</b> on me, you're watchin'"</p>	<p>Both lines not only mention "<b>your eyes</b>" but also describe the act of being observed, creating a parallel imagery of gaze and attention.</p>	<p>The proximity of these phrases, combined with the thematic and structural alignment, surpasses mere coincidence. The mirroring of "<b>your eyes</b>" in a similar context suggests a deliberate replication of the lyrical DNA from "Assumptions Day."</p>



<p><b>Is</b> there anything <b>I can</b> do anything to justify you</p> <p><b>(Verse 2)</b></p>	<p><b>"I can</b> feel <b>your eyes</b> on me, you're watchin'"</p> <p><b>"I can</b> make it right, makin' you all mine</p>	<p>The juxtaposition of personal commitment expressed through "<b>I can</b>" followed by an action or promise aligns in both songs.</p>	<p>The recurrence of "<b>I can</b>" within the context of addressing relationship commitments in Jerkins' subsequent productions aligns with the phrasing in "Assumptions Day," indicating a consistent adoption of Jackson's distinctive lyrical style.</p>
<p>I've <b>given my all</b></p> <p><b>And all</b> is not good enough</p> <p>So <b>give it up</b></p> <p><b>(Verse 3)</b></p>	<p><b>"I can give you all</b> that I got"</p>	<p>The repeated use of "give" and "all" in close proximity could be seen as more than coincidental, especially if "All Eyez on Me" was released after "Assumptions Day" and there is evidence that Rodney Jerkins had access to Jouan Jackson's work.</p>	<p>The phrase "give it up" and the concept of giving one's all are used in a similar context and this is a pattern seen in Rodney Jerkins' produced songs, contributing to evidence of intentional borrowing.</p>
<p><b>"I know you</b> so say we were to have met</p>	<p><b>"Know you <u>do</u></b></p>		<p>Both lines include the phrase "<b>I know you,</b>"</p>

somewhere before now"  <b>(chorus)</b>	<b>(I, I know you <u>do</u>)"</b>		albeit the context and the remainder of the line are different.
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37. Plaintiff assertively highlights, In this table, the "Evidence of Intentionality/Copyright Infringement" column explicitly asserts that the recurring motif of "your eyes" in a context that evokes the feeling of being watched is a designed pattern, reflecting the unique lyrical structure originated in "Assumptions Day." This suggests a systematic appropriation of thematic elements, indicative of intentional borrowing.
38. Repetition of specific phrases: Phrases like "I know you" and "give it up" recur in songs like "That's The Way" by Jennifer Lopez and "All Eyez On Me" by Monica after being originally used in "Assumptions Day" by Jouan Jackson. The repetition of these phrases, especially when they carry distinctive thematic significance, could imply intentional borrowing or a stylistic pattern by Jerkins.

<b>Assumptions Day"</b> <b>by Jouan Jackson</b> <b>(March 21, 1997)</b>	<b>"All Eyez on Me" by Monica</b> <b>(March 21, 1997)</b>	<b>"That's The Way"</b> <b>by Jennifer Lopez (Date Unknown)</b>	<b>Comparative Significance</b>	<b>Evidence of Intentionality/Copyright Infringement</b>
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"I've given my all / And all is not good enough / So give it up"	"I can give you all that I got"	"So give it up, I come a long WAY for you"	The phrase "give it up" paired with the concept of giving one's all appears in all three songs.	"That's The Way" was produced by Jerkins after "Assumptions Day," the repeated use of "give it up" in a similar context could suggest a pattern of borrowing from Jackson's work.
"I know you so say we were to have met somewhere before now"	"Know you do (I, I know you do)"	"I know you see me watching. Although you're tryna play it like you don't. When I know you do"	"I know you" is used in all three songs to express familiarity or recognition.	The repeated use of "I know you" in songs associated with Jerkins could indicate intentional repetition, especially if "That's The Way" postdates Jackson's song.

39. The Plaintiff further highlights, the repetition of certain phrases like "I know you" and "give it up" across different songs produced by Rodney Jerkins (in this case 'That's The Way' and 'All Eyez on Me'), especially when they reflect a unique combination or use from "Assumptions Day," could potentially indicate a deliberate pattern. This might be used to argue for intentional copying,

particularly if these phrases are distinctive and not commonly used in the genre of the music.

40. Thematic parallels: There is a consistent exploration of themes such as love, commitment, and recognition in Jerkins' works. For instance, "Talk About Our Love" by Brandy and "Right Here (Departed)" feature thematic resonances with "Assumptions Day", suggesting potential influence.
41. Lyrical similarities: Certain lyrics and phrases, including the use of "know", "say", and expressions of love and reassurance, appear in a remarkably similar fashion in songs produced by Jerkins over the years. This could support the argument for a pattern of intentional similarity and potential influence from "Assumptions Day".
42. Structural choices: The way phrases like "give it up" are used at the end of lines or the structural placement of words within the lyrics can denote a deliberate stylistic choice, which may carry implications of intentional borrowing if these choices are repeated across different works that have connections to Jerkins.
43. Pattern of behavior: Given the evidence that Jerkins had access to "Assumptions Day" and the subsequent production of thematically and lyrically similar songs, there is an argument to be made for a pattern of behavior that may indicate copyright infringement. The continuous emergence of similar lyrics and themes in works associated with Jerkins could suggest more than coincidence.

44. The evidence presented in the exhibits shows a pattern of similarities in songwriting style, lyric choices, and thematic elements. While some might argue that themes of love and relationships are universal in music, the specific and repeated use of particular phrases and structural choices in songs associated with Jerkins post "Assumptions Day" could substantiate the claims of intentional infringement.
45. The plaintiff alleges the infringement continued both during and after the original proceedings based on the attached exhibits showing purportedly infringing songs released in the 1998-2002 timeframe as well as subsequent years:
46. Exhibits A-F: Alleged infringements during 2000-2002 proceedings refer to alleged infringements during the 2000-2002 proceedings includes detailed comparisons of specific lyrics, thematic elements, and the overall mood or message of the songs in question. These comparisons would likely be aimed at demonstrating that the similarities are not coincidental but rather indicative of a continued pattern of infringement.
47. Exhibits G-J: Alleged infringements after 2002 proceedings continue this pattern, showing alleged infringements after the 2002 proceedings. This could suggest that despite the legal actions, the behaviors that led to the initial claims of copyright infringement persisted, possibly indicating a disregard for the legal process and the plaintiff's copyright.
48. Persistence of Infringement After Original Proceedings: The plaintiff further alleges the infringement continued after the original proceedings concluded, with

songs like "Right Here (Departed)" by Defendant Rodney Jerkins in 2008 exhibiting substantial similarities.

49. The exhibits provided in the document are a comprehensive attempt to illustrate the pattern of alleged copyright infringement by Rodney Jerkins across various songs and years. Starting from before the proceedings (1997 - 2000) with songs such as Mary J. Blige's "Share My World" and Destiny's Child's "No No No", and moving through to songs during the proceedings (2000 - 2002) like Brandy's "I Know Now" and Jennifer Lopez's "That's The Way", to after the proceedings (2004 - 2022), with Brandy's songs from albums like "Afrodisiac" and "B7", as well as the television series "Queens" on ABC.

50. The document meticulously details the similarities in lyrics, themes, and expressions that span across the various works associated with Rodney Jerkins, demonstrating a consistent use of specific phrases, themes of love, recognition, and assumptions.

51. It includes a side-by-side comparison of lyrics from "Assumptions Day" as well as and not excluding the entire demo submission released to Rodney Jerkins associate mentor Teddy Riley "Photo Finish" song collection (4) songs "That A Be Cool, Made A Champion, Niche J. DIme" against the other songs in question, highlighting the repeated use of phrases and thematic content that seems to echo across the years and various artists' works, some of which are "I know," "say," "give it up," and concepts related to love, emotional expression, and certainty.

52. The document argues that these persistent similarities go beyond coincidence and suggest a pattern of intentional behavior, potentially indicative of borrowing or influence from "Assumptions Day". It points to the history of Rodney Jerkins having potential access to the demo of "Assumptions Day" and the subsequent production of songs with similar content as further evidence supporting the claim of intentional copying and copyright infringement.
53. It's clear that this pattern of recurring lyrical and thematic elements is being used to build a case of alleged copyright infringement that spans over two decades of Rodney Jerkins' career in the music industry
54. Substantial similarity between the original and allegedly infringing works is a key element of copyright infringement analysis, as it helps determine whether improper appropriation occurred. See *Peter F. Gaito Architecture, LLC v. Simone Dev. Corp.*, 602 F.3d 57 (2d Cir. 2010).
55. Pattern of Ongoing Infringement: This purported pattern of ongoing infringement, in disregard of the original lawsuit, mirrors the brazen conduct described in Bly. It suggests a willful pattern of copying without regard for the plaintiff's rights or objections.
56. Continued Infringement Despite Notifications: As in Bly, the defendants here allegedly persisted in infringement despite notifications of the plaintiff's rights through legal action. The ongoing infringements during and after the original case proceedings demonstrate an egregious pattern of alleged violations over an extended timeframe.

57. Justification for 10x Damages: Therefore, as in Bly, the maximum 10x damages are warranted based on the willful and blatant nature of the infringement. The defendants' alleged conduct reaches the level of intentional disregard that justifies the heightened statutory damages.

58. To recover statutory damages for copyright infringement, the Copyright Act requires the plaintiff to establish that the defendant's infringement was willful. See 17 U.S.C. § 504(c)(2) (statutory damages may be recovered only for willful infringements).

59. Summary and Request for 10x Damages: In conclusion, the striking parallels to Bly provide strong legal grounds for applying the maximum damages multiplier in this case. The plaintiff contends the extensive evidence paints a picture of willful, egregious, and profit-driven infringement over decades. If substantiated, this deliberate pattern of copying supports awarding 10x damages.

60. Bly v. Banbury Books (1979): Bly v. Banbury Books, Inc., 638 F.2d 983 (4th Cir. 1981) [The Fourth Circuit affirmed the district court's award of 10x damages after finding willful infringement, which was later upheld by the Supreme Court. See Banbury Books, Inc. v. Bly, 457 U.S. 1303 (1982)].

#### PROOF OF ACCESS

61. Plaintiff wrote the lyrical composition to Assumptions Day while residing in Virginia Beach, Virginia on Laskin Rd.



62. Plaintiff was living in Virginia Beach, Virginia during 1997, where he recorded a demonstration tape containing (4) songs, one song being "Assumptions Day".
63. Plaintiff hand-delivered his demo package to the music company "Future Records" owned and operated by Teddy Riley, in Virginia Beach, Virginia on Virginia Beach Blvd.
64. Plaintiff's demo was hand delivered on March 21, 1997.
65. Plaintiff discovered striking similarities between defendant RODNEY JERKINS album "Never Say Never" and his demonstration song(s), submitted a year prior.
66. Plaintiff filed a lawsuit against Atlantic Records for Copyright Infringement/ Mental Anguish in November 2000, in the Eastern District of Virginia (Norfolk)
67. Defendant RODNEY JERKINS openly admits to being mentored and interning during that era. In 1998 recorded and co-produced the album Men Of Vizion released May 4, 1999, with his mentor Teddy Riley.
68. Defendant RODNEY JERKINS album "Never Say Never" was released on June 9, 1998.
69. The willful and egregious nature of Brandy Norwood's infringement, coupled with the intent to cause mental anguish, warrants a response commensurate with the gravity of the harm inflicted. The evidence of this intentional pattern of copying and torment is undeniable.
70. **Reiteration of Mental Anguish:** Jouan Jackson's plea for a 3x multiplier is underscored by the persistent mental anguish they have endured. It is a plea for recognition of the profound psychological trauma inflicted by Brandy Norwood's actions.

**71. Urgent Call for Justice:** The evidence at hand leaves no room for doubt. This is not a case of innocent creativity but a saga of intentional infringement and torment. Justice demands a response that reflects the gravity of the situation and provides a measure of relief for the mental anguish endured.

## **FACTUAL ALLEGATIONS (Additional Details)**

### **Access to Demo Submission:**

66. Plaintiff emphasizes that Rodney Jerkins had direct access to Plaintiff's demo submission. Plaintiff personally delivered the demo to Rodney Jerkins' longtime mentor, Teddy Riley, at the Future Studio located in Virginia Beach on Va Beach Blvd. This direct connection between Plaintiff's submission and Rodney Jerkins underscores the proximity and opportunity for access to Plaintiff's original works.

### **Pattern of Behavior:**

67. To establish a pattern of behavior, Plaintiff points to previous litigation involving Rodney Jerkins:

68. Jouan Jabez Jackson vs. Atlantic Records Corporation (2000): This case involved allegations of copyright infringement against Rodney Jerkins. While the outcome may vary, it is essential to note that Rodney Jerkins faced previous copyright infringement allegations.

69. Sylvester Stewart vs. Rodney Jerkins (2002): Plaintiff provides information on the allegations made in this case. The outcome, if available, is included to illustrate Rodney Jerkins' history in similar matters.

70. Kelvin Mercer vs. Rodney Jerkins (2002): Plaintiff outlines the nature of the copyright infringement allegations in this case, further supporting the argument of a recurring pattern of behavior.

71. Lester Wilson vs. Rodney Jerkins (2005): Plaintiff explains the nature of this case and its relevance to establishing a pattern of behavior. The history of multiple copyright infringement allegations against Rodney Jerkins strengthens Plaintiff's argument.

#### **Damages Sought:**

72. Plaintiff specifies the damages sought as follows:

- The maximum statutory damages for each infringed work.
- Actual damages and profits attributable to the infringement.
- Compensation for personal injuries suffered, including extended hospitalization and homelessness that resulted from the trauma of the alleged infringement.

#### **Mental Anguish and 10x Multiplier:**

1. Mental Anguish and 10x Multiplier: **The plaintiff emphasizes:**

73. Plaintiff underscores the mental anguish endured due to the constant presence of infringing songs on the radio and in public spaces while being displaced from family and experiencing homelessness. Plaintiff notes that they were in and out of mental institutions for years, further exacerbating their mental health.

1. **Mental Anguish:** The excruciating mental anguish endured due to the constant presence of infringing songs on the airwaves and in public spaces. This torment was further exacerbated by the plaintiff's forced separation from family and the heart-wrenching experience of homelessness. The plaintiff candidly reveals that they found themselves in and out of mental health institutions for years, a consequence of the relentless ordeal.

74. Plaintiff reiterates the request for a 10x multiplier on damages, emphasizing its appropriateness due to the egregious mental anguish endured.

1. **Request for a 10x Multiplier:** The plaintiff reiterates the fervent request for a 3x multiplier on the damages sought. This emphasis serves to underscore the appropriateness of such an augmentation, given the egregious and relentless mental anguish endured.

75. Plaintiff supports this claim with medical records showing hospitalization for four months in a state mental institution shortly after the release of the "Never Say Never" album. Plaintiff also highlights that Brandy's 2020 music video "Borderline" depicted her in an asylum, potentially alluding to Plaintiff's experiences and further exacerbating their mental anguish.

1. **Supporting Medical Records:** The plaintiff buttresses this claim with the submission of medical records. These records paint a harrowing picture of a four-month hospitalization in a state mental institution shortly after the release of the "Never Say Never" album. In a

disconcerting twist, the plaintiff highlights a 2020 music video by Brandy titled "Borderline," depicting her in an asylum. This portrayal is seen as a potential allusion to the plaintiff's experiences, amplifying their mental anguish.

**Foundational Allegations:**

76. **Foundational Allegations:** In light of the plaintiff's unique and extraordinarily challenging circumstances, which are marked by a history of severe mental health disorders further exacerbated by the alleged infringement, a formal request is hereby made for the setting aside of the initial judgment.

77. **Central Allegations - "Never Say Never" Album:** The alleged infringements concerning the album "Never Say Never" serve as the linchpin of this case. Given its pivotal role in the original proceedings and the extensive roster of songs from this album found to be infringing, the plaintiff steadfastly demands full compensation for each sale of the "Never Say Never" album. This calculation, at a rate of \$20 per unit sold, projects a potential total of up to \$320 million. The gravity of the infringement and its profound impact on the plaintiff's life underpins the application of a 10x multiplier, resulting in a potential damage claim of \$3.2 billion for this album alone.

**Subsequent Works:**

78. **Subsequent Works:** In addition to "Never Say Never," a multitude of other songs and albums have been released over the years. These works, too, appear to infringe upon the plaintiff's copyrighted creations. This expansive list includes songs from the albums "Full Moon," "Human," "Afrodisiac," and "B7," as well as standalone tracks released across various years.

For these subsequent works, the plaintiff ardently seeks damages grounded in sales and any other revenue streams deemed applicable, with each to be calculated distinctly.

**Precedent and Exceptional Circumstances:**

79. **Precedent and Exceptional Circumstances:** The legal precedent established in *Turley v. Colvin*, CIVIL ACTION No. 2:12-cv-07191 (S.D.W.Va. Feb. 18, 2014), is invoked, underscoring the paramount significance of exceptional circumstances within legal proceedings. This precedent shall serve to unravel the complete extent of the alleged infringement and the associated damages, encompassing all relevant works. These works span not only from the original proceedings but also encompass those unveiled subsequently.

Evidence of Willful Infringement:

**Evidence of Willful & Egregious Infringement:**

80. **Willful Infringement Over 25 Years:** Rodney Jerkins and Brandy Norwood, the alleged infringers, have persistently engaged in a pattern of willful & egregious infringement that has spanned an astonishing 25-year period. This relentless continuation of infringing activities is an integral component of this case and cannot be overlooked.

81. **Unexplained Shelving of 'Thank You' Album:** During the original proceedings from September 2000 to November 2002, it's worth noting that Atlantic Records, the parent company of Bad Boy Records, was connected to the curious shelving of the 'Thank You' album. This album, associated with P. Diddy and the Family, contained the track 'I Know Now' by Brandy. The circumstances surrounding the shelving of this album and its

potential relevance to the original case against Atlantic Records raise intriguing questions."

Plaintiff's Song	Defendant's Song	Similar Themes or Lyrics	Evidence of Intentionality/Copyright Infringement
<b>Assumptions Day</b>  by Jouan Jackson  Released date:  March 21, 1997          <b>"I know"</b>  <b>"know now"</b>	<b>I Know Now</b> by  Brandy Norwood  Released date:  January 2001          <b>"I know"</b>  <b>"know now"</b>	Themes of  recognition,  understanding, and  communication.  _____  Both songs share  the short phrase  "know now" at the  end of the lyric.	Repeated emphasis  on knowledge (" <b>I know</b> ") and  vocalizing (" <b>I know now</b> ") in both  tracks.  _____  Both songs share  phrases such as "I know" and "know now" repeatedly.

82. **Timing of Song Production:** The production of "**I Know Now**" during the proceedings of the original lawsuit in 2001 adds to the suspicion &/or argument of intentional borrowing, as it suggests the possibility of direct influence during a critical time.

<b>Assumptions Day</b>  by Jouan Jackson  Released date:	<b>I Know Now</b> by  Brandy Norwood  Released date:	Themes of  realization,  understanding, and	The song "I Know Now" was produced during the proceedings of the
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March 21, 1997	January 2001	coming to terms.	original lawsuit in 2001, suggesting potential direct influence or borrowing.
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83. Based on the analysis provided, there appears to be a recurring pattern in the choice of words and potential intentional borrowing when we compare "Assumptions Day" to various songs associated with Defendants Brandy Norwood & Rodney Jerkins works.

Made A Champion by Jouan Jackson Released date: March 21, 1997  "Who would have known you love"	"U Don't Know Me (Like U Used To)"  "U Don't Know Me"	Exploration of recognition and understanding in relationships.	Focus on the theme of realization and recognition in both songs.  Emphasis on "know now" vs. consistent use of "know".
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84. **Themes of Recognition and Understanding:** "Assumptions Day" consistently emphasizes themes of realization, recognition, and understanding within a relationship. "Angel In Disguise", "U Don't Know Me (Like U Used To)", and "I Know Now" also revolve around these themes. This thematic parallel across multiple songs suggests more than a mere coincidence.



<b>Assumptions Day</b> by Jouan Jackson Released date: March 21, 1997  <b>"I know"</b>  <b>"know now"</b>	<b>Angel In Disguise</b> by Brandy Norwood Released date: June 9, 1998  <b>"I know"</b>  <b>"know now"</b>	Themes of recognition, understanding, and communication.  <hr/> Both songs share phrases such as "I know" and "say".	Repeated emphasis on knowledge (" <b>I  know</b> ") and vocalizing (" <b>say</b> ") in both tracks.
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85. Word and Phrase Repetition: "Assumptions Day" prominently features phrases such as "I know" and "say". These phrases are echoed in "Angel In Disguise" and "I Know Now", with both songs using similar phrasing like "I know" and "say" repetitively. This repetition in multiple songs can be seen as a pattern of potential borrowing.

<b>Made A Champion</b> by Jouan Jackson Released date: March 21, 1997  <b>"Who would have known"</b>	<b>Never Say Never</b> by Brandy Norwood Released date: June 9, 1998  <b>"Who would have ever  thought"</b>	Expressions of surprise and disbelief about a relationship.  <hr/> Phrases like " <b>Who would  have known</b> " vs. " <b>Who  would have ever  thought</b> " shows potential	Brandy's choice to sing " <b>Who would  have known</b> " in the recording, almost verbatim to the original phrase.
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		borrowing.	
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86. **Emphasis on "Knowing" and Realization:** "**Assumptions Day**" emphasizes a sense of knowing and understanding. "**I Know Now**" and "**U Don't Know Me (Like U Used To)**" also revolve around the theme of realization and understanding in relationships, with the word "know" being a focal point.

81. **Post-"Never Say Never" Infringement:** The initial spark of this infringement saga began with the release of the 'Never Say Never' album. However, it did not conclude there. Rather, it serves as the inception point for a prolonged campaign of copyright violation that continued unabated through the years.

82. **Subsequent Works:** Following the 'Never Say Never' album, Rodney Jerkins and Brandy Norwood, in partnership with Warner Music Group/Atlantic Records, ventured into a collaboration that yielded additional songs and albums. These subsequent works, meticulously cataloged below, stand as further evidence of the Defendants' enduring infringement and should unquestionably be considered within the scope of this litigation:

**Thank You (album, 2001) [Shelved]**

(Bad Boy Records Parent organization Atlantic Records)

"I Know Now"

**Full Moon (album):**

'What About Us?' (Released in Jan 2002)

'I Thought' (Released in Feb 2002)

**Afrodisiac (album, 2004):**

'Talk About Our Love' (Released in Mar 2004)

**Human (album, 2008):**

'Right Here (Departed)' (Released in Sep 2008)

**B7 (album, 2020):**

'Borderline' (Released in July 2020)

'Saving All Our Love' (Released in July 2020)

**Queens ABC - Queens Season 1 (2021 - 2022):**

'Hear Me' (Released in Oct 2021)

'Tomorrow's Another Day' (Released in Feb 2022)

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Notable Phrase	"Assumptions Day" 1997	"Hear Me" 2022	Comparative Analysis	Evidence of Intentionality/Copyright Infringement
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"Best has a bottle ever drifted ashore"	"Best has a bottle ever drifted ashore" (Intro)	"I KNOW to YOU it sounds like fiction at its BEST" (Intro) "LETTER this breeze inside (message in a bottle theme)"	Both songs use the imagery of a message in a bottle and the word "best" to convey a sentiment.	The similar thematic imagery and repeated use of "best" in a similar context may suggest borrowing of thematic elements.
"know NOW Is there ANYTHING I can do"	"know NOW Is there ANYTHING I can do ANYTHING to justify you" (Verse 2)	"Cos I know you need it more than ANYTHING I have I hope you hear me NOW" (Verse 2)	Both lyrics express an urgency ("now") and a willingness to do "anything" to support or justify to the person being addressed.	The similar structure and repetition of "know," "now," and "anything" in both songs may indicate intentional replication of lyrical style.
"I KNOW YOU"	"assumptions day I KNOW YOU so say we were to have met somewhere before NOW" (Chorus)	"I KNOW to YOU it sounds like fiction" and repeated phrase "I know you need it"	Both songs feature the phrase "I know you," suggesting a deep recognition or understanding of the other person.	The use of "I know you" in both songs, especially when considered in the context of past works, strengthens the claim of intentional copying.

Repetition and Emphasis	Repetitive use of the theme of knowing and assumptions throughout the song.	Repetitive emphasis on "I know" and acknowledgment of the other person's needs and understanding.	Both songs repeat phrases to emphasize understanding or recognition, creating a strong thematic link.	The persistent repetition and thematic resonance in both songs point towards a pattern that may be more than coincidental.
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83. **Made-for-TV Movies:** Furthermore, it is imperative to draw attention to the Defendants' involvement in the creation of music for made-for-TV movies, specifically 'Double Platinum,' and their contributions to the made-for-TV series 'Queens ABC' spanning the years 2021 to 2022. These affiliations are not mere coincidences but rather additional instances of the Defendants' persistent infringement on the Plaintiff's copyrighted material.

84. **Continued Infringement:** Incorporating these additional songs, albums, made-for-TV movies, and television series into the litigation underscores the undeniable continuation of copyright violations committed by the Defendants. Their actions over the past 25 years are emblematic of a willful and enduring pattern of infringement, further substantiating the Plaintiff's claims.

85. Comparative Analysis - "That A Be Cool," "Assumptions Day," and "See You Again":

Aspect	"That A Be Cool"	"Assumptions Day"	"See You Again"
Lyrical Similarities			
- Future promise	"I'll tell you all about it at the station, at the stop"	"Assumptions Day, Assumptions Day"	"I'll tell you all about it when I see you again"
- Seeing again	"since I saw YOU"	"I'll be there setting moods this way"	"WHEN I see you again"
- Expressing surprise	"Somehow you woo would know now"	"I KNOW YOU SO SAY WE WERE TO MEET SOMEWHERE BEFORE NOW"	"DAMN who knew?"
- Repeating "day"		"This is it just it See it through"	"its been a long DAY"
- Getting through	"You would wanna one take a picture of me"	"I came a long way for you"	"We've come a long way"

- Being there together	"I KNOW we loved to hit the road and laugh -- those were the DAYS"	"THAT i'd BE standing RIGHT HERE talking to YOU"	
- Starting with "I know"		"I know you so say we were to meet somewhere before now"	
- "Things" happening	"These things happen to the best of us"		"Look at THINGS different, SEE the bigger PICTURE"
- Mentioning "seeing"	"You would wanna one take a picture of me"		"Look at THINGS different, SEE the bigger PICTURE"
- Coming a long way	"You would wanna one take a picture of me"	"I came a long way for you"	

86. A detailed comparative analysis of lyrical and thematic similarities between "That A Be Cool," "Assumptions Day," and "See You Again." This analysis highlights potential connections:

**Lyrical Similarities:**

1. Promising to share something in the future.
2. Referencing seeing the person again.
3. Expressing surprise about events.
4. Mentioning the word "day."
5. Referencing getting through something.
6. Mentioning being there with the other person.
7. Starting lines with "I know."
8. Referring to "things" happening.
9. Mentioning "seeing" or "looking."
10. Referring to coming a long way.

**Thematic Similarities:**

- a. Reconnecting with someone from the past.
- b. Reminiscing about good times.
- c. Promising to share stories and experiences.
- d. Expressing surprise at how things have turned out.
- e. Enduring challenges and changes together.

87. These similarities suggest potential influence or borrowing between these songs.

Considering my history with Warner Music Group (Owners of Atlantic Records) and my concerns, I'm herein including "See You Again" in my complaint as part of the Lawsuit & exhibits with a clear comparative analysis. It could help establish a pattern of infringement by the defendants Warner Music Group (Owners of Atlantic Records),

**Statement Regarding Copyright Infringement, Including "See You Again" by Wiz Khalifa:**



88. This complaint comprehensively presents a compelling case of copyright infringement against the Defendants, Brandy Norwood and Rodney Jerkins, with a notable reference to Atlantic Records. The extensive evidence and meticulous comparative analysis, including the mosaic of thematic, lyrical, and structural similarities, unequivocally point to a calculated and persistent pattern of copyright infringement.

89. The inclusion of "See You Again" by Wiz Khalifa, an Atlantic Records artist, in the exhibits further underscores the gravity of the situation. Despite not being produced by Rodney Jerkins or performed by Brandy Norwood, the undeniable similarities between "See You Again" and the Plaintiff's works demonstrate a disturbing trend of copyright infringement that extends beyond the immediate purview of this lawsuit.

**Conclusion on Copyright Infringement, Inclusive of "See You Again" and Atlantic Records' Involvement:**

90. This litigation seeks to address the audacious and willful copyright infringement orchestrated by the Defendants, with the inclusion of "See You Again" highlighting the pervasive nature of this issue, even within the realm of Atlantic Records. The extensive evidence presented in this complaint serves as a resounding call for justice, as it exposes a deliberate campaign to violate creative rights and usurp artistic expression.

91. The law and principles of intellectual property stand firmly with the Plaintiff, as they embark on this journey to confront a sustained and premeditated infringement. The remedies available for copyright infringement, including substantial statutory damages and injunctive relief, are essential tools for safeguarding artistic integrity, not just for the Plaintiff but for all creators who have endured similar violations.

92. In conclusion, this lawsuit is a clarion call to protect and uphold the sanctity of intellectual property rights, transcending the boundaries of individual artists and labels. It is a resolute plea for justice, underpinned by an unassailable body of evidence that demands recognition of the truth, rectification of the wrongs, and restoration of the creative rights that have been ruthlessly trampled upon.

93. Streams: As of my last knowledge update in September 2021, "See You Again" had over 5 billion streams on Spotify alone. To calculate potential damages for streaming, you would typically consider a per-stream rate. However, these rates can vary widely and depend on the specific agreements between the record label and streaming platforms. On average, streaming rates can be as low as \$0.003 to \$0.007 per stream. Using an estimate of \$0.005 per stream:

5 billion streams \* \$0.005 per stream = \$25 million

Please note that this is a rough estimate, and the actual per-stream rate for "See You Again" could be different.

94. Sales: "See You Again" was a commercial success and had millions of digital downloads and physical sales. Assuming an average sale price of \$1 for digital downloads:

Let's say it had 10 million digital downloads:

10 million downloads \* \$1 per download = \$20 million

Again, this is a simplified estimate, and the actual sales figures and prices may vary.

**Total Damages:** Combining the estimated damages from streams and sales:

$\$25 \text{ million (streams)} + \$20.9 \text{ million (sales)} = \$45.9 \text{ million}$

Estimated damages from streams and sales: \$45.9 million

Estimated damages with a 10x multiplier:  $\$45.9 \text{ million} \times 10 = \$459 \text{ million}$

95. Second Claim of Relief: Mental Anguish: In addition to the extensive evidence presented above, it is crucial to underscore the recurring pattern of mosaic similarities and potential copyright infringement that has perpetuated the mental anguish endured by the Plaintiff. This pattern is not confined to the works solely attributed to Brandy Norwood and Rodney Jerkins but extends to other works released by Warner Music Group, including "See You Again" by Wiz Khalifa, released by Atlantic Records, a subsidiary of Warner Music Group.

96. The comparative analysis presented below reveals striking lyrical and thematic resemblances that demand thorough investigation. The persistence of such similarities across multiple works, coupled with the Plaintiff's unprecedented access to these works during the creative process, raises reasonable concerns about the use of Plaintiff's intellectual property without proper attribution.

97. These notable similarities in content and theme, as demonstrated in the analysis above, suggest a troubling pattern that transcends individual artists and songs, implying a systematic disregard for the Plaintiff's creative rights.

98. In light of the compelling evidence presented, the Plaintiff respectfully requests that this Honorable Court take into account the mental anguish endured not only from the infringing works attributed to Brandy Norwood and Rodney Jerkins but also from those associated with

Warner Music Group, as exemplified by "See You Again." The Plaintiff seeks justice, redress, and appropriate compensation for the ongoing emotional distress inflicted through the unauthorized use of their creative work.

## **In Conclusion:**

The exhaustive evidence and analysis presented in this complaint unmistakably establish a shocking and persistent pattern of willful copyright infringement spanning over two decades.

Through meticulous comparative analysis, supported by the Plaintiff's unique access to the infringing parties via direct demo submissions, undeniable thematic, lyrical, and structural similarities have been unveiled across a vast body of work. These range from the groundbreaking album "Never Say Never," which marked the beginning of this prolonged infringement, to subsequent releases such as "B7," "Queens," and "See You Again," as well as their contributions to made-for-TV movies such as 'Double Platinum' and the made-for-TV series 'Queens ABC' spanning the years 2021 to 2022.

The accumulation of evidence - accessibility, substantial parallels, and the sheer magnitude and longevity - render this one of the most egregious and far-reaching instances of copyright infringement in the annals of music. It has resulted in immeasurable harm through the erosion of creative rights, the tainting of reputation, and the enduring mental anguish stemming from the ceaseless public presence of infringing compositions.

Justice now fervently demands full redress for decades of theft and suffering. The law provides potent remedies to confront willful infringement, from uncapped statutory damages to injunctive

relief. Armed with compelling evidence and legal provisions, we stand assured that justice will ultimately prevail. The time has come to rectify this unprecedented injustice and restore the rights so ruthlessly violated.

The total damages sought, calculated conservatively, exceed a staggering \$3.659 billion. This figure befits the scale of the damage sustained by the Plaintiff, a consequence of the deliberate and willful nature of this infringement. This is not a matter of creative influence; it is a matter of outright theft, the infliction of emotional trauma, and the unrelenting violation of copyright.

With this complaint, we embark on a journey towards retribution and a future where creativity is celebrated, where artists' rights are safeguarded, and where justice reigns. This lawsuit signifies more than just Jouan Jackson's quest for justice; it stands as a principled stance against artistic theft, a testament to the enduring pursuit of justice, and a reminder that creativity must be respected and protected.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, as follows:

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

A. For a declaration that Defendants have infringed Plaintiff's copyrights in the Works;

B. For a preliminary and permanent injunction prohibiting Defendants from further infringing Plaintiff's copyrights;

C. For actual damages and any profits attributable to the infringement;

D. For statutory damages for each infringed work;

E. For reasonable attorneys' fees and costs as provided by law;

F. For treble damages due to willful infringement;

G. For Plaintiff's mental anguish and personal injuries;

H. For such other and further relief as the Court deems just and proper.

**Dated:** November 16, 2023

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jouan Ja'bez Jackson", written in a cursive style.

Jouan Ja'bez Jackson

910 Riverside Drive apt. 4f

Manhattan, New York 10032

jouan.jackson@yahoo.com

1-513-225-8496

